

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GARY A. LAVITE, # N06246,

Plaintiff,

vs.

**KATRINA OAKLEY,
WEXFORD HEALTH SOURCES,
LISA KREBS,
DR. SANTOS, and
DR. BUTALID,**

Defendant.

Case No. 13-cv-00576-JPG

MEMORANDUM AND ORDER

GILBERT, District Judge:

On June 17, 2013, Plaintiff Lavite, an inmate in the custody of the Illinois Department of Corrections, housed at Centralia Correctional Center, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Doc. 1). The complaint was dismissed, but Plaintiff was given an opportunity to file an amended claim (Doc. 8). The first amended complaint was filed (Doc. 14) and dismissed (Doc. 18). Plaintiff was given a rare opportunity to file a second amended complaint by June 20, 2014 (Doc. 20).

Plaintiff was forewarned that failure to file a proper amended complaint by the prescribed deadline would result in the dismissal of this action. Plaintiff has not filed a complaint and the deadline for doing so has passed. It appears that Plaintiff has abandoned this action. Therefore this action will be dismissed with prejudice and Plaintiff will be assessed a “strike” under the provisions of 28 U.S.C. § 1915(g). Plaintiff also obligated to pay the filing fee. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

IT IS THEREFORE ORDERED that because Plaintiff has failed to file a complaint that states a claim upon which relief can be granted, and pursuant to Federal Rule of Civil Procedure 41(b), this action is **DISMISSED with prejudice**. This action is deemed frivolous for purposes of Section 1915(g), therefore Plaintiff will be allotted a **STRIKE** under the provisions of 28 U.S.C. § 1915(g). Judgment shall enter accordingly and this case will be closed.

IT IS SO ORDERED.

DATED: July 16, 2014

s/ J. Phil Gilbert

J. PHIL GILBERT
UNITED STATES DISTRICT JUDGE